

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

October 20, 2023

Nathan Ochsner, Clerk of Court

United States of America

v.

Jose Luis REYES-Martinez

Case No. **4:23-mj-2020***Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 20, 2023 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 USC 1326

Re-entry of Removed Persons

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Eric Munson, HSI SA

Printed name and title

Sworn to me telephonically.

Date: 10/20/2023City and state: Houston, TX*Judge's signature*

United States Magistrate Judge Christina Bryan

Printed name and title

4:23-mj-2020

STATE OF TEXAS)
)
COUNTY OF HARRIS)

AFFIDAVIT

1. I, Eric Munson, being duly sworn, do hereby state that I am a Special Agent with the Department of Homeland Security, U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI). Prior to the creation of the Department of Homeland Security in March 2003, I was a Special Agent with the U.S. Customs Service, and have over 25 years' experience as a Special Agent. I am currently assigned to the Texas Anti-Gang Center in Houston, Texas, which is comprised of various federal, state and local law enforcement agencies. As part of my duties as an HSI Special Agent, I investigate criminal violations of federal law, including violations of immigration law. I make this affidavit in support of an arrest warrant for Jose Luis REYES-Martinez for violation of 8 U.S. Code § 1326 – Reentry of Removed Aliens.

2. Your Affiant spoke to law enforcement with the FBI and the Houston Police Department and learned that on September 9, 2023, a suspect, who law enforcement believes to be REYES-Martinez conducted an aggravated robbery at a Houston area Fiesta and was able to flee the scene prior to the police arriving. The suspect then broke into a residence and sexually assaulted a 42-year-old women at gun point. The suspect fled the scene, stealing her vehicle, money and jewelry. The Houston Police Department (HPD) and the Federal Bureau of Investigation (FBI) were able to obtain surveillance video of the suspect and DNA from the sexual assault scene. The DNA was sent to an FBI laboratory for analysis.

3. On October 17, 2023, the FBI received a positive match to an HPD sexual assault in 2022, meaning that the same suspect committed both sexual assaults. HPD looked into the 2022 sexual assault and found that the suspect sexually assaulted a 37-year-old woman. The victim knew her assailant as Jose Luis, had known him for a year and had been friends with him for 3 months. The victim knew that Jose Luis drove an older Jeep with Texas License plate FMD-1106. HPD found that the registered owner was Roberta Reyes at 4601 Sherwood Ln #183 Houston, TX. HPD also discovered that a male by the name of Jose Luis REYES-Martinez, date of birth 12/28/90 also shared this address with Roberta Reyes.

4. HPD investigated Jose Luis REYES-Martinez and found that he had made two HPD reports, one in 2020 and one in 2021. During these reports, REYES-Martinez provided the officers with his full name and date of birth as 12/28/90. HPD conducted a criminal history check and found that REYES-Martinez had been previously removed from the U.S.

5. On October 18, 2023, I conducted a search for REYES-Martinez in the immigration database and found the following:

- A. He is a citizen and national of Mexico with date of birth 12/28/90
- B. He was apprehended by Border Patrol on April 6, 2012, in Tucson, Arizona after being arrested for illegally entering the U.S.
- C. He was processed for violating the Immigration Nationalities Act and given an Expedited Removal.
- D. He was removed from the U.S. back to Mexico on April 7, 2012, via Nogales, Arizona.

E. He has NEVER requested or obtained permission from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States.

6. I reviewed still images of REYES-Martinez from the HPD body worn cameras (BWC) from the 2020 and 2021 reports he made to HPD and compared them to the 2012 image taken during his immigration processing in Arizona. I believe them to be the same person.



Immigration Processing 2012



BWC 2020



BWC 2021

7. I reviewed the still image of REYES-Martinez from the HPD body worn camera from the 2021 report he made to HPD and compared it to a still image from surveillance video from the 2023 sexual assault. I believe them to be the same person.



BWC 2021

Sexual Assault 2023

8. Based on the foregoing, I believed there is probable cause to conclude that Jose Luis REYES-Martinez is in violation of 8 U.S. Code § 1326 – Reentry of Removed Aliens.

I, Eric Munson, hereby swear under oath that the information in this affidavit is true and correct to the best of my knowledge, information and belief, and that I make this oath under the pains of penalties of perjury.

FURTHER, AFFIANT SAYETH NOT.

Eric Munson, Special Agent
Homeland Security Investigations

Sworn to by telephone this 20th day of October 2023, and I find probable cause.

Honorable Christina Bryan
United States Magistrate Judge